

Message Text

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ACTION EA-14

INFO OCT-01 EUR-25 IO-14 ISO-00 DPW-01 CIAE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 OMB-01 DRC-01 NEA-14 AID-20 /150 W

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R 110500Z JUL 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 6662

AMEMBASSY BANGKOK

AMEMBASSY BERNE

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY MANILA

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY PHNOM PENH

AMEMBASSY ROME

AMEMBASSY SEOUL

AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY VIENNA

AMEMBASSY VIENTIANE

USMISSION GENEVA

USDEL JEC PARIS

USUN 0682

USIA WASHDC

INFO SECDEF WASHDC

USLO PEKING

AMCONSUL HONG KONG

CDR JCRC KNP THAILAND

COMUSSAG NKP THAILAND

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E.O. 11652: N/A

TAGS: PFOR, V , VN

SUBJ: MATERIAL TO REFUTE COMMUNIST ALLEGATIONS RE IMPASSE
IN NEGOTIATIONS

1. SUMMARY: IN ORDER TO MEET CURRENT COMMUNIST PROPAGANDA BARRAGE BLAMING US AND GVN FOR IMPASSE IN NEGOTIATIONS WE BELIEVE IT USEFUL TO PROVIDE ADDRESSEE POSTS A CLEAR UNCLASSIFIED ACCOUNT OF EVENTS AND OUR ANALYSIS OF THEM FOR USE WITH HOST GOVERNMENTS, PUBLIC MEDIA AND OTHER AUDIENCES.
END SUMMARY

2. AT THE "PRG" PRESS BRIEFING IN SAIGON JULY 6 SENIOR COLONEL VO DONG GIANG HELD FORTH FOR MORE THAN FORTY MINUTES IN A TIRADE AGAINST THE UNITED STATES AND THE "THIEU REGIME" FOR ALLEGEDLY SABOTAGING THE PARIS AGREEMENT. THESE REMARKS WERE TYPICAL OF CURRENT COMMUNIST PROPAGANDA WHICH WE BELIEVE IS AIMED AT LEAST IN PART AT COVERING UP THE FACT THAT THE COMMUNIST SIDE AT PRESENT IS BOYCOTTING ALL THREE NEGOTIATING TABLES SET UP UNDER THE PARIS AGREEMENTS: THE TWO-SIDED POLITICAL TALKS IN PARIS, THE TWO PARTY JOINT MILITARY COMMISSION (TPJMC) IN SAIGON, AND THE FOUR PARTY JOINT MILITARY TEAM (FPJMT) ALSO MEETING IN SAIGON. IN ORDER TO COUNTER THIS COMMUNIST PROPAGANDA WE ARE PROVIDING ADDRESSEE POSTS IN THIS MESSAGE WITH THE FOLLOWING TEXT WHICH INCLUDES: A) AN ACCOUNT OF HOW THE COMMUNISTS ARE NOW BOYCOTTING THE TPJMC AND FPJMT IN SPITE OF THE FACT THAT ANY REASONABLE DEMAND OF THEIRS HAS BEEN MET; AND B) EMBASSY SAIGON'S ANALYSIS OF POSSIBLE HANOI MOTIVATION IN FOLLOWING THIS COURSE. WE SHOULD ALSO NOTE THAT THE FUNCTION OF THE FPJMT IS TO RESOLVE THE DEAD AND MISSING PROBLEM FOR ALL COUNTRIES, EVEN THOSE NOT DIRECTLY INVOLVED IN THE WAR. AS FAR AS WE HAVE BEEN ABLE TO DETERMINE THIS INVOLVES CITIZENS OF AUSTRALIA, AUSTRIA, CANADA, FRANCE, FRG, JAPAN, ROK, PHILIPPINES, SWITZERLAND, THAILAND AND THE UK IN ADDITION TO VIETNAMESE.

3. BEGIN TEXT:

THE CURRENT IMPASSE IN THE TWO PARTY AND FOUR PARTY NEGOTIATIONS
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TIATING FORA INVOLVES MORE THAN JUST THE RESTORATION OF PRIVILEGES AND IMMUNITIES. HANOI DESIRES A VAST EXPANSION OF PRIVILEGES AND IMMUNITIES AND WANTS TO FORCE THE RVN TO PUBLICLY AGREE TO MEASURES WHICH WOULD GIVE DE FACTO RECOGNITION TO THE "PRG" AS A LEGITIMATE GOVERNMENT WHICH IT IS NOT. IMMEDIATELY FOLLOWING THE CEASE-FIRE, THE FOUR PARTY JOINT MILITARY COMMISSION (FPJMC) NEGOTIATED THE PRIVILEGES AND IMMUNITIES STIPULATED IN THE PARIS AGREEMENT.

THE RESULT WAS AN ELEVEN-POINT MINUTE OF AGREEMENT.

4. THE FOUR DELEGATIONS TO THE FPJMT SIGNED THE MINUTE OF AGREEMENT ON MAY 3, 1973. ITS ELEVEN POINTS WERE INTENDED TO FORMALIZE THE RESPONSIBILITIES AND PROCEDURAL RELATIONSHIP AMONG THE TPJMC AND FPJMT DELEGATIONS THROUGHOUT THE REPUBLIC OF VIETNAM, ON A RECIPROCAL BASIS. HANOI, HOWEVER, HAS NEVER PERMITTED JMC DEPLOYMENT TO AREAS OF SOUTH VIETNAM UNDER ITS OCCUPATION AND HAS NEVER BEEN CALLED UPON TO APPLY THE ELEVEN POINTS IN THE ROLE OF HOST.

5. THUS, IN PRACTICAL TERMS, THE MINUTE OF AGREEMENT HAS SO FAR SERVED ONLY TO IMPOSE UPON THE GVN A NUMBER OF OBLIGATIONS IN TERMS OF PREROGATIVES AND SERVICES ACCORDED TO THE HANOI DELEGATIONS. EARLY ON, IN A SPIRIT OF ACCOMMODATION, THE GVN INFORMALLY AGREED TO GRANT SEVERAL ADDITIONAL PRIVILEGES NOT SPECIFICALLY SPELLED OUT IN THE ELEVEN POINTS; I.E., THE WEEKLY PRESS CONFERENCE AND EXTENSIVE FREE ACCESS TO THE PTT (PUBLIC) TELEPHONE SYSTEM. FURTHERMORE, AS THE SOLE HOST PARTY, THE GVN HAS BORNE THE ENTIRE FINANCIAL BURDEN OF SERVICING THE JMC ORGANIZATIONS, ALTHOUGH EXPENSES WERE SUPPOSED TO HAVE BEEN SHARED. NEVERTHELESS, THE GVN REPEATEDLY REAFFIRMED ITS INTENTION TO ABIDE BY THE TERMS OF THE MINUTE OF AGREEMENT. WITH THE EXCEPTION OF OCCASIONAL CURTAILMENTS OF THE LOC NINH LIAISON FLIGHT IN RESPONSE TO VARIOUS PROVOCATIONS AND HOSTILE ACTIONS, IT DID ADHERE TO THE TERMS OF THE MINUTE FOR MORE THAN A YEAR.

6. IN APRIL 1974, IN THE FACE OF NORTH VIETNAMESE INTRANSIGENCE AND THE COMPLETE REFUSAL OF HANOI TO IMPLEMENT ANY MEANINGFUL POINTS OF THE PARIS AGREEMENT, THE GVN ATTEMPTED TO PRESSURE THE COMMUNIST DELEGATIONS BY TERMINATING UNRESTRICTED TELEPHONIC COMMUNICATIONS WITH THEIR COMPOUND

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AND, IN CONTRAVENTION OF THE MINUTE OF AGREEMENT, STOPPING THE TWICE WEEKLY HELICOPTER FLIGHTS FROM SAIGON TO LOC NINH, BUT WITH THE PROVISION THAT THE FLIGHTS WOULD BE RESTORED WHEN THE PRG WOULD GUARANTEE THEIR SAFETY. (THIS GUARANTEE OF SAFETY WAS CONSIDERED NECESSARY AFTER AND RVN CREW MEMBER WAS KILLED BY GROUND FIRE WHILE ON SUCH A FLIGHT.) THEY ALSO STOPPED THE WEEKLY PRESS CONFERENCE BY THE "PRG" SPOKESMAN, A UNILATERAL PRIVILEGE ENTENDED BY THE GVN NOT FOUND IN THE MINUTE OF AGREEMENT.

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ACTION EA-14

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OMB-01 DPW-01 NEA-14 DRC-01 AID-20 /150 W

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R 110500Z JUL 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 6663

AMEMBASSY BANGKOK

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AMEMBASSY VIENNA

AMEMBASSY VIENTIANE

USMISSION GENEVA

USDEL JEC PARIS

USUN 0683

USIA WASHDC

INFO SECDEF WASHDC

USLO PEKING

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CDR JCRC KNP THAILAND

COMUSSAG NKP THAILAND

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7. IT WAS THIS UNDERSTANDABLE GVN ACTION WHICH PROMPTED HANOI FIRST TO OBSTRUCT DISCUSSIONS AND THEN TO BOYCOTT BOTH THE TPJMC AND FPJMT -- OSTENSIBLY UNTIL ALL ITS DELEGATIONS' PREROGATIVES WERE REINSTATED. HOWEVER, WHEN THE GVN DID RESTORE THESE PREROGATIVES ON JUNE 7, HANOI IMMEDIATELY LABELED THE GVN ACTION INADEQUATE AND UNSERIOUS. A WEEK LATER, IT HAD ITS "PRG" DELEGATION PRESENT THE GVN WITH A NEW LIST OF PREROGATIVES WHICH WENT FAR BEYOND THOSE WHICH IT HAD ACCEPTED FOR THE PAST YEAR AND HAD DECLARED THE PREREQUISITE FOR A RESUMPTION OF NORMAL JMC ACTIVITIES. AS A TOTAL PACKAGE, THE GREATLY EXPANDED LIST OF PRIVILEGES AND IMMUNITIES DEMANDED FOR THE "PRG" WOULD ATTRIBUTE TO IT ALL THE QUALITIES OF SOVEREIGNTY HELD BY GENUINE, LEGITIMATE STATES; IN EFFECT, THEY WOULD IMPLY DE FACTO RECOGNITION OF THE "PRG" BY THE RVN.

8. THE RVN DELEGATIONS AT BOTH THE TPJMC AND FPJMT HAVE NOT REJECTED THOSE VAST NEW DEMANDS. THE DELEGATION CHIEFS HAVE SERIOUSLY OFFERED TO DISCUSS THESE DEMANDS. (THE GVN WOULD LIKE TO ENSURE SOME GENUINE RECIPROCITY.) HOWEVER, SINCE THE MATTER OF PRIVILEGES AND IMMUNITIES IS PROCEDURAL, NOT SUBSTANTIVE, SUCH DISCUSSIONS SHOULD BE HELD AT THE APPROPRIATE SUBCOMMITTEE OF EACH NEGOTIATING FORUM, TO ALLOW THE PLENARY SESSIONS TO CONTINUE TO HANDLE SUBSTANTIVE MATTERS. THE HANOI PARTIES HAVE REJECTED NEGOTIATIONS ON ANY SUBJECT WHILE INSISTING THAT THE RVN DELEGATION SIGN THE "PRG" DRAFT WITHOUT DISCUSSION.

9. THE PROBLEM THUS CENTERS ON TWO POINTS: THE "PRG" DRAFT GOES FAR BEYOND THE PRIVILEGES AND IMMUNITIES STIPULATED BY THE PARIS AGREEMENT AND FAR BEYOND THE ELEVEN-POINT MINUTE OF AGREEMENT. THE HANOI PARTIES ARE UNWILLING TO NEGOTIATE THIS NEW LIST, INSISTING ONLY THAT IT BE SIGNED WITHOUT DISCUSSION. UNLESS ITS FIAT IS ACCEPTED AND THIS NEW DOCUMENT SIGNED WITHOUT DISCUSSION, THE HANOI DELEGATIONS HAVE VOWED NOT TO ALLOW EITHER FORUM TO PROCEED.

10. IT IS ALWAYS DIFFICULT TO ESTIMATE THE DEVIOUS AND CONVOLUTED MOTIVES OF HANOI. BASED ON PAST EXPERIENCE, HANOI NEVER NEGOTIATES SERIOUSLY UNLESS THINGS ARE GOING ITS
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WAY AND IT FEELS THERE ARE GAINS THAT CAN BE CONSOLIDATED AND CONFIRMED AT THE NEGOTIATING TABLE. THINGS HAVE NOT BEEN GOING WELL FOR HANOI LATELY. RECENT ATTEMPTS TO CONQUER MORE TERRITORY IN THE "IRON TRIANGLE" NORTH OF SAIGON, IN HAU NGHIA WEST OF SAIGON, IN KIEN TUONG IN THE DELTA AND IN BINH DINH ALONG THE CENTRAL COAST HAVE ALL BEEN REBUFFED HANDILY BY THE RVNAF. HANOI'S PROGRAM OF POLITICAL SUBVERSION

REMAINS MORE OF A DREAM THAN A REALITY. IT NO LONGER EVEN TALKS ABOUT MAKING ITS OCCUPIED AREAS IN SOUTH VIETNAM ECONOMICALLY VIABLE AND ADMITS, AMONG OTHER INTERNAL PROBLEMS, THAT ITS OWN ECONOMIC RECONSTRUCTION PROGRAM IS IN TROUBLE. NOW IS A TIME WHEN HANOI WANTS TO AVOID ANY SERIOUS NEGOTIATIONS WITH THE RVN, SINCE IT WOULD BE BARGAINING FROM A POSITION OF WEAKNESS. THE SUPERCILIOUS PRESENTATION OF UNREALISTIC DEMANDS FOR EXTRAORDINARY PRIVILEGES AND IMMUNITIES FOR ITS CREATURE, THE PRG, IS SIMPLY A TACTIC DEvised BY HANOI TO ESCAPE FROM AN AWKWARD SITUATION. IT RESORTED TO AN IMPLAUSIBLE NON SEQUITUR TO PORTRAY ITS MANEUVER AS PRE-EMPTIVE: "ELIMINATING THE POSSIBILITY OF THE UNITED STATES AND THE SAIGON ADMINISTRATION BREAKING UP THE NEGOTIATIONS";

11. FURTHERMORE, BEING BLOCKED ON THE SO-CALLED POLITICAL AND MILITARY "PRONGS" OF ITS OFFENSIVE, HANOI MUST ATTEMPT TO INCREASE THE PRESSURE OF THE DIPLOMATIC "PRONG". ESPECIALLY AT THE TIME WHEN CONGRESS IS CONSIDERING AID ASSISTANCE BILLS FOR SOUTH VIET-NAM, HANOI BELIEVES IT CAN FURTHER ITS CAMPAIGN TO WEAKEN US SUPPORT FOR THE RVN BY BARTERING ON THE EMOTIONAL ISSUE OF OUR MISSING PERSONNEL. THAT THIS EXPLOITATION OF THE FAMILIES OF 2,300 MISSING AND UNRECOVERED AMERICANS IS INHUMANE, DOES NOT BOTHER HANOI (OR ITS SUPPORTERS) IN THE LEAST.

12. IN OUR ESTIMATION, WHILE HANOI IS WILLING TO ENDANGER THE TPJMC AND THE FPJMT IF IT SEEMS POSSIBLE TO ELEVATE THE NEGOTIATIONS TO A LEVEL ABOVE THE VIETNAMESE PARTIES, IT DOES NOT INTEND TO DISRUPT EITHER BODY "PERMANENTLY". UNLIKE THE ICCS, WHICH IT CANNOT CONTROL COMPLETELY AND IS THEREFORE TRYING TO DISABLE TOTALLY, HANOI DOES VIEW THE TWO OTHER BODIES IN SOUTH VIET-NAM AS USEFUL FORA FROM WHICH TO PROPAGANDIZE. IT IS JUST THAT THERE IS NOT NOW IN HANOI'S ESTIMATION AN EXPLOITABLE SITUATION FOR PROPAGANDIZING:

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A STRATEGY OF "FIGHTING AND NEGOTIATING" DEPENDS ON THE FIGHTING PRODUCING EXPLOITABLE RESULTS. THE TPJMC AND FPJMT ARE THUS FORA THAT HANOI HAS PUT INTO TEMPORARY STORAGE. WHEN IT SUITS ITS PURPOSES, HANOI WILL RETURN TO THESE MEETINGS. IF IT JUDGES ITS POSITION TO HAVE IMPROVED, IT WILL HAVE ANOTHER GO AT NEGOTIATING BY FIAT; IF THE CONTRARY, IT WILL SEEK TO PROMOTE NEW PRETEXTS FOR EVADING ITS COMMITMENTS.

END TEXT

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